

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Lee James Mouat

Case No. Case: 2:20-mj-30425
Assigned To : Unassigned
Assign. Date : 10/13/2020
Description: CMP USA V MOUAT
(LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 6, 2020 in the county of Monroe in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 USC Section 249(a)(1)

Offense Description

Willfully caused bodily injury to D.F., who is African American, because
of D.F.'s actual and perceived race and color.

This criminal complaint is based on these facts:

See attached Affidavit

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 13, 2020

City and state: Ann Arbor, Michigan


Complainant's signature

Sean Nicol, Special Agent, FBI - Ann Arbor
Printed name and title


Judge's signature

David R. Grand, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sean D. Nicol, being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I have been a Special Agent with the FBI since 1995, and am assigned to the Detroit Division in Ann Arbor. I have investigated a wide variety of federal criminal violations, and I have been the primary Civil Rights investigator for the Ann Arbor FBI Office since 2016, which has allowed me to investigate numerous issues involving hate crimes, including violations of 18 U.S.C. § 249 (Hate Crimes Prevention Act of 2009).

2. The facts and statements in this affidavit include information developed by the FBI and information provided by other law enforcement officers. I submit this affidavit for the limited purpose of securing a criminal complaint. I have set forth only the facts that I believe are necessary to establish probable cause and have not included every fact known to me concerning this investigation.

3. Probable cause exists that, on June 6, 2020, in the Eastern District of Michigan, Lee James MOUAT willfully caused bodily injury

to victim D.F., who is African American, because of the actual or perceived race and color of D.F., in violation of 18 U.S.C. § 249(a)(1).

II. FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

4. I interviewed D.F., an African-American teenager. D.F. described being attacked by MOUAT on June 6, 2020. D.F. explained that he was in the parking lot of Sterling State Park when MOUAT—a white man D.F. had never met before—yelled, “Niggers don’t belong on this beach.” While D.F. retrieved a portable speaker from a vehicle, MOUAT yelled racial slurs at D.F.’s two friends, who were also African-American teenagers. As D.F. walked over to his friends with the portable speaker, he noticed MOUAT walking quickly towards him. MOUAT swung an object, which struck D.F. in the face.

5. Monroe County Sheriff’s Office (MCSO) Deputies arrived within several minutes of the attack. Victim D.F. was taken to a local Emergency Room and thereafter to Detroit Receiving Hospital, where he was treated for a facial fracture, facial lacerations, and the loss of several teeth.

6. MCSO Deputies prepared reports of their investigation, which included statements from various individuals who witnessed

MOUAT's statements and actions leading up to and during the attack. I obtained these records.

7. Witness 1 (W-1), whom I have interviewed, observed MOUAT immediately before the attack. W-1 noticed a white male, later identified as MOUAT, walking with his family towards the Sterling State Park parking lot. MOUAT was making loud comments about some music being played, saying "these niggers are playing gang music," and "I want to hit them with this cooler." W-1 recalled hearing MOUAT say "niggers" and "monsters," and "I wish someone would say something to me so I can beat them." Several minutes later, W-1 heard a commotion in the parking lot.

8. Witness 2 (W-2) observed MOUAT before and during the attack. Before walking to the parking lot, MOUAT, who was known to W-2, was getting angry at a group of young African-American males. MOUAT made a comment to the effect of, "I'll bash their heads in if they don't turn [their music] down." W-2 heard MOUAT yell racial slurs at the group of African-American males. Later, when walking to the parking lot, MOUAT repeatedly yelled "niggers" at the same group of African-American males, who were also walking to the parking lot.

Once in the parking lot, MOUAT continued to call the teenagers “niggers.” The group of young men began yelling back at MOUAT. MOUAT approached them, and Mouat and the young men began yelling at each other. MOUAT walked to his vehicle and retrieved a chain bike-lock, returned to the group of young men, and struck one of them in the jaw with the bike-lock. W-2 observed the young man fall to the ground.

9. Witness 3 (W-3), whom I have interviewed, observed MOUAT immediately before and during the attack. W-3, who was in his/her vehicle in the parking lot of the Sterling State Park, noticed a white male, later identified as MOUAT, walking through the parking lot with his family and having a loud argument with a group of African-American teens. W-3 heard MOUAT yell, “Black lives don’t matter” at the teens. MOUAT walked to a nearby minivan, saying, “I’ll show you!” MOUAT grabbed a chain-like object from the minivan and walked back toward the young men. MOUAT then swung the chain-like object at one of the teens.

10. Witness 4 (W-4), whom I have interviewed, observed MOUAT before and during the attack. W-4 was at the park with victim

D.F. on June 6, 2020. W-4, victim D.F., and another friend were walking to the parking lot of Sterling State Park when W-4 heard someone yell, "This is my beach, nigger!" W-4 saw that it was a white man, later identified as MOUAT, who was yelling. W-4 yelled back, "What?" MOUAT looked directly at the young men, and again yelled, "This is my beach, nigger!" as he approached them. Given MOUAT's posture and attitude, W-4 was anticipating a fight, so when MOUAT confronted them, W-4 said "We'll kick your ass." MOUAT said, "There are three of you...that's not fair." W-4 stepped ahead of his friends and said, "I'll kick your ass alone." MOUAT walked away, commenting, "I've got something for you in my car." W-4 assumed MOUAT was leaving with his family, but then W-4 heard MOUAT yell, "Hey!" as MOUAT returned with a chain-like object in one hand. MOUAT swung the chain at victim D.F., striking him in the face and sending him staggering into their friend. MOUAT then swung the chain at W-4, but missed. Police arrived on the scene, stopping the encounter.


III. CONCLUSION

11. Based on the aforementioned information, I respectfully submit that there is probable cause to believe that, on June 6, 2020, Lee

James MOUAT willfully caused bodily injury to victim D.F., who is African American, because of the actual or perceived race and color of victim D.F., in violation of 18 U.S.C. § 249(a)(1).


Sean D. Nicol
FBI Special Agent

Sworn to before me and signed in my presence and/or by reliable electronic means.


David R. Grand
United States Magistrate Judge

Dated: October 13, 2020